

**CLARK COUNTY
CLEAN WATER COMMISSION
Revised Meeting Notes**

Wednesday, July 5, 2006

6:30 – 8:30 P.M.

Public Works Operations Conference Room B-1
4700 NE 78th Street, Vancouver

Clark County Clean Water Commission Members Present

Tim Crawford, Robert Even, Don Moe, Bill Owen, Patty Page, Susan Rasmussen, Art Stubbs, Virginia van Breemen, Ron Wilson

Clark County Clean Water Commission Members Absent

None

Clark County Staff

Jerry Barnett, Jonnie Hyde, Trista Kobluskie, Randy Phillips, Earl Rowell, Jeff Schnabel

Public

Bob Bandarra, Robert Buker, Thom McConathy, Chuck McDonald

A quorum was achieved.

Call to Order

Introduction

The members of the Clark County Clean Water Commission, the public, and Clark County staff introduced themselves. The meeting was then called to order.

Agenda and material review

The packet includes:

1. July 5, 2006 meeting agenda
2. June 7, 2006 meeting notes
3. NPDES 2005 Annual Report to Ecology
4. Budget Development calendar
5. Action items from BOCC/CWC Work Session
6. “Suit over storm water settled” article from *The Columbian*

Approval

The June 7, 2006 meeting notes were approved as written.

Communications with the Public

Ms. Kobluskie reviewed customer contacts from the current Clean Water Fee billing cycle. In the first two weeks, customers initiated 165 contacts with Water Resources via phone, email, and walk-ins. Most were inquiries about what the fee is and what it pays for, ownership and address issues, and a few problems with year 2000 delinquencies.



Mr. Rowell stated that a citizen had written the program advocating the use of reed canary grass for water quality improvement. Research indicates that reed canary grass is non-native, invasive, and has a tendency to create a monoculture. The Ohio Department of Natural Resources also does not recommend the use of reed canary grass.

Mr. Owen indicated that a few Clean Water Commissioners attended the Sammy Awards last month. He asked Mr. Rowell to find out how many individuals were nominated for the award this year. [Factual Note: In 2007, the Endangered Species Act Office received eight nominations and awarded five Sammy Awards.]

Public Comments

Mr. McConathy

Mr. McConathy requested that the meeting packets be distributed to Clean Water Commissioners well in advance of each meeting to give them time to review items before discussion. Mr. Owen noted that the group would table items if they need intensive review.

Mr. McConathy indicated that a letter he wrote to the Commission had never been submitted to it. Mr. Stubbs stated that he had received the letter via email; other Commissioners agreed. Mr. McConathy stated that items distributed electronically do not become meeting topics.

Mr. McConathy asked about the status of establishing mentors for new Commission members. The group responded that they are working on it.

Mr. McConathy complimented Clark County staff member Ron Wierenga for a recent report he gave at the Vancouver Lake Partnership meeting, and he commended Mr. Wierenga on his collaborative approach to water quality monitoring. He noted that Mr. Wierenga used data from more than 50 monitoring sites, most of which are operated by other agencies or jurisdictions, to gather a complete picture of the Vancouver Lake watershed. Mr. McConathy urged the Commission to ask staff to do more collaborative monitoring work.

Mr. Owen asked if staff collects water quality data from other jurisdictions. Mr. Schnabel replied that staff used data from other jurisdictions to write the 2004 *Stream Health Report*, but sometimes it is a challenge to coordinate with other agencies. Staff tries to find ways to work with other entities.

Mr. Owen asked if other entities share the costs of water quality monitoring with Clark County. Mr. Rowell stated that Ecology and Clark Public Utilities share information with the county. Mr. Owen asked about working across jurisdictional lines. Mr. Rowell replied that Clark County is the only jurisdiction to be represented on the Board of the Lower Columbia Fish Recovery Board, and attempts to ensure that NPDES goals are represented in the fish recovery plans. [Factual Note: Water Resources staff participates as a local agency representative on the Technical Advisory Committee of the Lower Columbia Fish Recovery Board, not on the Board. Clark County Commissioner Morris sits on the Board, and so do commissioners from other counties in the region.]

Mr. Schnabel stated that there is no countywide task force for water quality monitoring, as Mr. Owen seemed to be suggesting. Clark County coordinates with individual entities when established projects overlap geographically and use similar parameters. For instance, several years ago, staff recognized overlap of water quality monitoring in the Salmon Creek area, and began collaborating with Clark Public Utilities to eliminate duplicative efforts and to share data.

Mr. Owen suggested that a more holistic approach would be to collaborate with other agencies to use data to identify problems, and then determine appropriate solutions. Mr. Barnett said that Oregon has a system of water quality data called ACWA (Association of Clean Water Agencies) that is similar to what Mr. Owen described.

Mr. Buker

Mr. Buker is a grass breeder and retired professor. He is alarmed that several agencies in the county class reed canary grass as an introduced species, when it is native. He cited *Grasses* and *Forages: the Science of Grassland Agriculture*, which both indicate clearly that reed canary grass is a native species. He asked what reference the county uses. Mr. McConathy cited Cronquist, *Grasses of the United States* and *Flora of the Pacific Northwest*.

Mr. Owen asked if reed canary grass has a water quality benefit. Mr. Buker replied that the grass shows potential for neutralizing toxic compounds and stabilizes silt. Ms. van Breemen stated that reed canary grass creates a monoculture. Mr. Buker responded that the bunch of reed canary grass he brought as an example also contains Canada thistle, which is invasive and illegal to plant or let seed.

Mr. McConathy suggested that Mr. Buker present his ideas about reed canary grass to the County Weed Board.

Mr. Buker stated that he is a native of Clark County, and his family has owned property at the mouth of Burnt Bridge Creek for many years. He has been interested in water control and water quality for 50 years.

Mr. Buker stated that the City of Vancouver and Clark County should not attempt to encourage the recovery of trout in Burnt Bridge Creek before establishing the probable mercury content of fish in the stream. Fish concentrate mercury, and children could get brain damage from eating the fish. Mr. Schnabel indicated that the City of Vancouver might have data on mercury levels in Burnt Bridge Creek. Mr. McConathy noted that Vancouver Lake has the highest mercury levels in the state. [Factual Note: recent monitoring efforts by the Washington Department of Ecology do not support this statement. Refer to *Mercury in Edible Fish Tissue and Sediments from Selected Lakes and Rivers of Washington State*, June 2003, Publication No. 03-03-026 and *Washington State Toxics Monitoring Program, Toxic Contaminants in Fish Tissue and Surface Water in Freshwater Environments*, 2003, May 2006, Publication No. 06-03-019.]

The Commissioners reiterated the suggestion to contact the County Weed Management Board because it is the authority on weeds.

2006 Discussion Topics

Septic Tanks and Water Quality: Clark Regional Wastewater District

Mr. Bandarra is the District Manager and Mr. McDonald is the Assistant Manager and Engineer of the Clark Regional Wastewater District.

Mr. Bandarra stated that the sewer system in Clark County is newer and has few problems with leaks into groundwater. There are 7,000 septic systems active in their service area. The county authorizes new septic systems, even within the sewer district. The District works closely with Public Health to eliminate septic systems where possible. When one new customer hooks up to sewer, they try to get other neighbors to come off septic at the same time.

Mr. Stubbs asked if the county requires new development to wait until sewer is available and if there is an impact fee is for new construction outside sewer availability. Mr. Bandarra: charges to hook up to sewer include the Regional Facilities Charge, which the District collects on the county's behalf, for expansion of wastewater treatment plant (\$4,444 per new connection) and the District's General Facilities Charge (\$1,898) for system maintenance. Usually developers pay to extend the system to their developments then give the line back to the District as contributing capital. The District has plans for extending sewer progressively with development for all basins in the service area.

Mr. Stubbs: within the UGB, are sewer connections required? Mr. Bandarra: connections are required if the property is within 300 feet of the sewer line. Mr. McDonald: many lending institutions in Clark County will require the property to connect to sewer. The District's system is designed to handle all of the anticipated development within the service area.

Mr. Stubbs: does the District track the number of existing septic systems? Mr. McDonald: Public Health tracks septic systems.

Mr. Owen: the focus of this discussion should be the impact of septic systems on water quality.

Mr. McConathy: the District does not compare areas that have high septic use with 303(d) listed water bodies, such as Salmon Creek. They should concentrate on the elimination of septic in those areas. Mr. Bandarra: county code does not call for enforcement by the District. Sewer connections are extremely expensive for homeowners. The county will waive the requirement to connect in cases of failing septic if the cost is prohibitive for the property owner. The District does not set those policies.

Mr. McDonald: the county allows septic in the urban area based on lot size. If the lot is ½ acre or larger and sewer is not within 300 feet of property line, then septic is allowed. Sewer is a concurrency issue, as mandated by GMA.

Mr. McDonald: the Clark Regional Wastewater District has existed since 1958, encompassing Hazel Dell, Salmon Creek, Felida, and Fairgrounds, as well as former county customers in Orchards, Hockinson, and Meadowglade. The removal of septic tanks is a Public Health responsibility. The county and the District each is capable of mandating a sewer hookup, though no agency wants to enforce it due to cost. Current cost for hooking up is \$10,000 to \$30,000 per house, with construction costs, hookup fees, and septic abandonment.

Mr. McConathy: within Vancouver, the cost is much less, because they are waiving system development charges. Mr. McDonald: Vancouver has a taxpayer-funded program that is currently helping to defray some sewer hookup costs.

Mr. McDonald: in cases of problem septic systems identified by Public Health, the District analyzes how close the property is to sewer line. If sewer is available, then Public Health will require a connection. The District has a couple of programs in place to help individuals connect:

- make use of developer extensions (latecomer entitlement by state law)
- Local Facilities Contract (LFC), with District funding mechanisms available
- Utility Local Improvement District (ULID)

Mr. Owen: the District's responsibility is not to identify failing septic systems, but you have the means to connect those properties to your system when problems are identified. Mr. Stubbs: if individuals cannot afford to hook up, do you take funds from your general fund? Is there grant money to assist folks with failing septic systems to hook up? Mr. McDonald: in Meadowglade, Clark County obtained innovative and alternative money through EPA to fund connections.

Ms. Page: how would a person know if their septic tank had been decommissioned? Mr. McDonald: we inspect to see if the septic access port is filled with dirt or sand and we require the property owner to provide a receipt from a licensed pumping company. We provide the information to Public Health.

Mr. Moe asked how many septic systems come off line in the service area each year. Mr. McDonald: probably less than 100. Mr. Moe: how many new systems are built? Mr. Phillips: about 500-700 per year go in, although most are outside the UGB, where there is no other alternative. Other municipal areas take septic systems off line each year, too.

Septic Tanks and Water Quality: Clark County Public Health

Mr. Phillips is the Resource Protection Program Manager for Clark County Public Health, and Ms. Hyde is the Public Health Services Manager for Clark County Public Health.

Mr. Phillips: Public Health issues permits for septic systems. If sewer is available, within 200-300 feet, we ask them to connect to sewer. The BOCC has given no guidance on what level of cost can trigger an exemption to the requirement to hook up to sewer, so we decide on a case-by-case basis. However, when septic systems fail, people rarely have enough money to connect to sewer. A public health emergency might exist with sewage on the ground, running into a creek, or backing up into the house. We have to protect public health and meet all the codes. Sometimes it is not even possible for properties to connect to sewer, even within the UGB, because of restrictions on cutting through county roads (179th St. e.g.).

Mr. Phillips: low-interest loans to repair failing septic systems are currently available for properties in Gibbons Creek and Salmon Creek watersheds. The money is from Ecology for septic surveys in those areas, education, and repairs.

Mr. Phillips: the Conservation District is researching a countywide assessment to fund sewer connections or to repair failing septic systems. This would be a tax or assessment on county residents. [Factual Note: On June 28th, the BOCC voted down the assessment.]

Mr. Stubbs: it is critical to the well-being of the community for properties with failing septic systems to connect to sewer, but very costly. Public money could be used to pay for the connection and placed as a lien on the property for repayment when sold. Mr. Phillips: Community Block Grant Money is available for that purpose. Rural Development also has some funding available. Mr. Stubbs: even a low-interest loan is too expensive for some families. Mr. McDonald: one mechanism is ULID; if the people qualify for a deferral of their taxes through the county, then they qualify for deferral of ULID construction and connection costs, to be paid when the property is sold.

Ms. Hyde: Public Health does not have an enforcement mechanism; it would take an action by the County Commissioners or the Board of Health. Onsite septic systems generate more complaints than anything else does. It would take a great deal of political will to insist on conversions to sewer.

Mr. McConathy: Public Health has a "hammer," which it is reluctant to use, after public outcry in the 1980s and 90s when it was used in Burnt Bridge Creek. It can condemn properties in cases of a public health emergency. However, the definition of a health emergency is vague. Salmon Creek has 303(d) listings far in excess of anything ever in Burnt Bridge Creek. If they declare an emergency, they go to the head of the line for state funds for financing packages.

Mr. Phillips: illicit discharges of sewage are difficult to detect. Occasionally, sewer lines are connected purposefully or accidentally to storm drains; it is difficult to find these. In the Rosemere neighborhood,

the city of Vancouver did smoke and dye testing last year to verify and update records. In the urban areas, we support conversion of septic systems to sewer.

Mr. Phillips: old systems have a bad reputation; some drain to drywells, some are cesspools; we try to find them and get them connected. The new systems are an exact science; they take into account setbacks, soil types, treatment types, for the long terms.

Mr. Phillips: some people know they have failing septic systems and try to hide it until they can connect to sewer or sell the house. Public Health sends reminders to have systems inspected and pumped by a licensed pumper. The compliance rate is 85-90%.

Mr. Phillips: Public Health has record of about 30,000 septic systems, but we think there are approximately 40,000 total. Before 1959, we have no records, and some homes are built without permits. Public Health has a pilot program to map systems in Burnt Bridge Creek; the method developed will be used for other watersheds, especially watersheds of concern. Ms. Hyde: part of our 4-year strategic plan is to map known or suspected septic systems in the entire county.

Mr. Owen: are you prioritizing the mapping projects to coincide with 303(d) listings and TMDLs? Mr. Phillips: yes, Burnt Bridge Creek has listings, and we had good records.

Ms. Hyde: private property rights are an issue. We do not have a right to enter properties to inspect systems. The Washington Administrative Code will be amended next year, and we hope to get a requirement for septic inspections when a house is sold. Some lenders require it, although sometimes it is just a pumping receipt, not a full inspection.

Mr. Phillips: the District has helped us when we really need more information. Their engineers determine length and depth of sewer lines and provide approximate costs to clients. If an area has several properties that need to connect to sewer, we try to hold public meetings to encourage more connections. Sometimes one failure can result in quite a few connections in an urbanized area.

Mr. Moe: do companies report their septic pumping activities to the Health Department? Mr. Phillips: they give us a log at the end of the month. Waste material goes to City of Vancouver wastewater treatment or one of several other places. Mr. Moe: You can track which houses are repeatedly being pumped? Newer systems are built to higher standards, but the systems being decommissioned are probably failing. Mr. Phillips: life of a septic system is probably 15-20 years. Both code and technology have improved. Some new systems use aerobic treatment that keeps the drain field alive and treatment occurs all the way through the system. Other new systems work well in shallow ground-water soils. We feel good about the quality of the effluent produced by newer systems.

Question and Answer period

Mr. Owen: has Clark Regional Wastewater District identified pipes that cross or run adjacent to streams? How do you know they are not leaking? Mr. McDonald: we know the location of all of our pipes. We are on a 7-year cleaning cycle and a 10-year TV inspection cycle for all our pipes, including trunk lines. These are recommendations from EPA, and we have been in compliance for several years. If we find major breaks, we repair them right away. Smaller breaks are more frequently infiltration into the system (as opposed to out of the system); then we package several smaller breaks into one repair job. The sewer is normally lower than surface water and sometimes lower than the water table. Mr. Bandarra: sometimes we face difficulties with adjacent homeowners, who do not want us to bring in our equipment for inspecting, cleaning, and repairing sewer lines in the environment. Mill Creek is an example. New processes and technologies help us repair leaks without entering the pipelines.

Mr. Stubbs: how much work do private contractors do? Mr. McDonald: we do our own maintenance, and we have an extended workload plan. We inspect or maintain trouble spots more frequently. Roots entering at seams are a big problem. Mr. Stubbs: who does new construction? Mr. McDonald: New construction is contracted; we inspect. Mr. Bandarra: we become responsible for maintenance.

Mr. Owen: when the county finds an illicit discharge into surface water or a failing septic system's effluent is reaching a stream, what steps are taken? Mr. Phillips: we notify the owners. We require cleanup and pumping. We work to find if they need to connect to sewer or install a new septic system. We set up a timeline. That may involve pumping the system weekly until the problem is fixed. Mr. Owen: what is the incentive for the property owner to comply? Mr. Phillips: the owner could be held liable for fines. In addition, most people do not want sewage on the ground and in their houses. Unfortunately, many people do not have the money for repairs, sewer connections, or a new septic system right away. Mr. Owen: what about where effluent is directly piped to a stream? Mr. Phillips: it is not allowed, we make sure it is corrected. Ecology could also get involved.

Mr. Stubbs: how does Public Health get its funding? Mr. Phillips: fees for services and permits. We get some grant money from Ecology and Department of Health, but we get little public funding for addressing complaints and doing investigations. We would like to have revenue for proactive projects instead of just reacting to complaints.

Ms. Page: where storm water is concerned, we are beginning to look into distributive processing, handling the problem locally. One option we have not discussed is composting toilets. They are a less expensive option than hooking up to sewer. Ms. van Breemen: you still need a gray water system.

Mrs. Rasmussen: what does Public Health do for education and outreach? Mr. Phillips: in cooperation with Extension and the Conservation District, we hold a free well and septic maintenance and operation workshop. 30-50 attend each workshop every other month. Mrs. Rasmussen: are owners with new septic systems required to attend? Mr. Phillips: no.

Mr. McConathy: many streams in the county have sewer lines below, with manholes coming up in the middle of the creek. This is no longer acceptable, but most of the tributaries of Salmon Creek have sewers. Changing stream channels can undercut the pipes, which then can leech sewage into the streams. I live on Suds Creek, and this has happened repeatedly. The District needs a systematic plan to remove sewers from creeks, where they do not belong.

Mr. Schnabel: yes, this does happen sometimes. The county's illicit discharge screening project sometimes identifies apparent leaks, and we have had the District do TV testing in the past. I would like to work more closely with Public Health and the District to make these investigations work a little better. Our project works at the bottom of the storm system, looking at county-owned outfalls. When we find water in the dry season, we test it. We typically find a few cross-connections with drains and poor BMPs. We take care of those in-house, or we go to Ecology. When we run into trouble with bacterial problems, we do not have the ability to pinpoint the source. We need to be able to refer the case to Public Health and the District, which have the technology to pinpoint and remove problems. Mr. Bandarra: the District is always available to work with the county on projects.

Mr. Owen: the Clean Water Commission is supposed to look at the impact of septic systems on local water quality. From what you know, what would you advise us to research?

Mr. Phillips: Public Health could use support on mapping and identifying all septic systems. I would like to prioritize areas that have greater adverse impacts to surface water quality, but more authority will be needed to require sewer hookups. Mr. Stubbs: are those identifiable locations? Mr. Phillips: through

testing of surface water, yes. We need to test tributaries and small creeks to determine sources of bacteria. A small number of failing septic systems can really pollute a creek. Mr. Owen: can you give that type of information to Water Resources? Mr. Phillips: we work with them already. If surveys indicate problem areas, then we look at our records to see who is not current with maintenance. Mr. Rowell: Water Resources will need a running list, and a map of the targeted areas. Mr. Phillips: we talked about agencies getting together to set priorities and exchange information.

Mr. Bandarra: look for funding to help defray costs of connecting to sewer for homeowners who want to connect; look at financing plans, strategies, or opportunities with the legislature to make more money available. Help find funding for Public Health; 40,000 septic systems is a big job. Mr. Rowell: remember the Conservation District is proposing a countywide fee to be collected from property owners in Clark County... Mr. Phillips: ...to help create a pot of money to fund repairs and connections.

Mr. Stubbs: what are the consequences of new development for the taxpayer? The county should have a 25-year plan to put sewer to the edge of the county and require new developments to hook up. Mr. Bandarra: the District is restricted in the size of main line that can be constructed because it cannot promote growth. Sometimes we have to put in a smaller line, then go back to replace it.

Mr. McDonald: the District has never studied the cost to sewer the entire service area, but the City of Vancouver estimated more than \$100 million to connect all properties within their service area three years ago. They have two to three times the number we have in their area.

Mr. McDonald: If you are looking for a recommendation to give to the BOCC, you might ask them to enforcing current code. The county has recorded plats that require a sewer hookup when sewer becomes available, and there is no enforcement. There are cases in which the sewer line is now in front of the property, the plat requires a sewer connection, and they are not hooking up.

Old Business

2007-08 Budget Schedule

Mr. Rowell stated that Water Resources is currently working on the Decision Packages for actions and activities beyond the current budget.

Debrief from 6/21/2006 BOCC & CWC Work Session

Mr. Rowell stated that he included a list of action items in the meeting packet. Some topics are already being addressed, such as septic systems.

Mr. Rowell stated that the BOCC asked the CWC to look at restructuring the fee and make a recommendation to it. Mr. Owen indicated that they would discuss how to proceed at the next meeting. Mr. Rowell said that Mrs. Rasmussen and Mr. Stubbs are veterans of the fee development process, and they can give an overview of what transpired last time. The process might include presentations throughout the county to explain the costs of the new NPDES permit. Mr. Owen requested the old documents that explained that process. Mr. Rowell stated that there are reams of information. Mrs. Rasmussen explained that there was a facilitator. Mr. Rowell indicated that he could send the task force's recommendations. Mr. Owen asked Mrs. Rasmussen and Mr. Stubbs to think about how the process could be improved. Mrs. Rasmussen stated that the Clean Water Commissions needs explicit guidelines as to what it can do.

Mr. Owen stated the Education Subcommittee is drafting an educational document for the BOCC. We need to refine it.

New Business

Open Forum for Commissioners

Mr. Stubbs stated that the Commission needs a meeting with no agenda, like a round-table discussion. Then we can more easily speak with one voice. Mr. Owen designated Mr. Stubbs as the ad-hoc social chair.

Adjourn

Mr. Owen tabled the discussion of the orientation and mentoring items. Mr. Rowell tabled the discussion of Stormwater Capital Improvement Program process.

The meeting adjourned at 9:00 P.M.

Action Items

- Find out how many individuals were nominated for a Sammy Award this year – Earl Rowell
- Send Commissioners copies of *Clean Water Funding Task Force Recommendations* from 1999 – Earl Rowell

Next Meeting

The next meeting of the Clean Water Commission will be held on Wednesday, August 2, 2006 from 6:30 P.M. – 9:00 P.M. The location is the La Center Community Building, 1000 East 4th Street, La Center.

Respectfully Submitted,
Trista Kobluskie